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RUEHUL/AMEMBASSY SEOUL 3771
RUEHKO/AMEMBASSY TOKYO 9918
RUEHWL/AMEMBASSY WELLINGTON 1899
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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 005455

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E.O. 12958: DECL: 10/16/2017

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SUBJECT: THAIS OFFER UPDATE ON STATUS OF ASEAN CHARTER

REF: BANGKOK 4644

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Classified By: Classified by Political Counselor Susan M. Sutton, reason 1.4(b) and (d)

SUMMARY

11. (C) Thailand anticipates that the ASEAN charter will be ready to sign at November's summit in Singapore, stated a working level contact at the Thai MFA. He cautioned that the ASEAN members were still deliberating bracketed portions of the text. He emphasized that not all ASEAN members shared the same idea about the human rights mechanism. While our interlocutor stressed that the human rights body would be included in the charter, there were still few details regarding how this mechanism would work in practice. The Thai MFA did not anticipate any effort to block Burma from signing the charter. The requirement in the new Thai constitution for legislative ratification of treaties complicates but probably does not impede Thailand's signing the Charter. End Summary.

END OF NEGOTIATIONS IN SIGHT?

12. (C) Prior to departing for the final round of ASEAN charter negotiations in Vientiane, Thai MFA Deputy Director General for ASEAN Affairs Manasvi Srisodapol met with us on October 15 to provide an update on the document's current status. While he began by telling us there remained few outstanding issues to discuss, Manasvi also conceded that there had been little progress since he met with DAS Marciel in August (reftel). At the same time, Manasvi expected ASEAN representatives could complete the document in time for signing at the ASEAN summit in November.

13. (C) The timing of the charter is somewhat awkward for the

Thai side. The decree announcing the Thai parliamentary elections is expected by October 25. Once an election decree is published, the Thai government normally goes into caretaker status, and is not supposed to consider any new policies. Therefore, the MFA must get the government's approval of the text at the next Cabinet meeting on October 22. Manasvi admitted that, once the text goes to the Cabinet, it will not be possible to keep it confidential, even though the other ASEAN members would prefer to keep the document under wraps until all members had agreed to the final text.

14. (C) In addition, it was not clear how Thailand would handle the ratification process. Under the newly-adopted Thai constitution, the Charter would, he believed, have to be ratified by the legislature. But it was uncertain whether the government should submit it to the current appointed legislature (NLA) and or to the new Parliament that will be seated after the December 23 elections. As ratification was a new requirement introduced by the 2007 Constitution, there were also questions about whether the legislature would have to give approval before the government could sign, or whether it could ratify after the government signs. Despite these issues, Manasvi did not appear particularly concerned that the charter signing would be delayed.

POTENTIALLY WEAK HUMAN RIGHTS COMPONENT

15. (C) Thailand had been working hard to keep human rights on the agenda of ASEAN, stated Manasvi, and the Thai Foreign Minister had pushed for its inclusion in the charter. But Manasvi noted that not every ASEAN member had the same definition of human rights. Manasvi acknowledged that the

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members continued to debate the role of ASEAN in responding to identified human rights abuses. They were also still discussing whether the new human rights mechanism would monitor human rights in the region or if the organization would take the less confrontational role of human rights educator, at least initially - it was an "evolving process." In order to make the human rights component more acceptable to skeptics, Manasvi stated that ASEAN members were also working "to make international human rights principles relative to the region." He noted that the new mechanism might begin by focusing on issues of migrant labor, or women and children rights -- less controversial issues within ASEAN.

16. (C) Manasvi offered few details about how the human rights component would function in practice. He noted that the ASEAN members agreed that the charter should create a human rights body, with the possibility of establishing a secretariat for that body, probably in Jakarta. However, the

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details would not be spelled out in the charter, but would be worked out later. The members also agreed that this human rights body should include a representative from each country. However, the Thai MFA did not know whether these representatives would be government officials, academics, members of civil society, or others. The new Charter will specify that each country is free to choose its own representatives to each group within ASEAN; some members may send academics as their participants in this human rights mechanism, while others may send judges or other officials.

THE CHALLENGE OF BURMA

17. (C) Burma continued to be a challenge for ASEAN, stated Manasvi, and he did not know how the charter would affect or be affected by the current crisis in Burma. He was quick to say that the RTG was not aware of any plans to exclude Burma

from the signing of the charter. In response to our questioning Burma's ability to or even interest in being obliged to comply with charter provisions, Manasvi replied that he believed the original six members would likely be the most willing to abide by their obligations, but he remained hopeful that every country signing the charter would do so fully aware of the principles the charter stood for and the obligations it would create.

COMMENT

18. (C) Manasvi's presentation tracked with the views he expressed in a similar meeting with DAS Marciel two months ago (reftel). The Thais are still proud of their role in advocating human rights provisions in the charter, but they have made not yet made progress in creating a body with substantial authority for monitoring or enforcement. As the MFA admits, it's an evolving process.
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